

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

PHENIX, LLC

Plaintiff,

v.

**INTEGRATED MEMORY LOGIC, LTD.,
INTEGRATED MEMORY LOGIC, INC.,
and EXAR CORPORATION,**

Defendants.

§
§
§
§
§
§
§
§
§
§

Case No. 6:15-CV-436-JRG-KNM

JURY TRIAL DEMANDED

ORDER

On this day came to be considered Plaintiff Phenix, LLC (“Plaintiff”) and Defendants Integrated Memory Logic, Ltd., Integrated Memory Logic, Inc., and Exar Corporation (collectively, “Defendants”) Joint Motion to Withdraw Defendants’ Motion to Dismiss the Second Amended Complaint for Lack of Personal Jurisdiction or Improper Venue, Fed. R. Civ. P. 12(b)(2) & (b)(3), or, in the Alternative, to Transfer Venue Pursuant to 28 U.S.C. § 1404(a) (Dkt. No. 66) and Motion for Briefing Schedule (Dkt. No. 68), and the Court being of the opinion that the same should be **GRANTED**.

It is therefore **ORDERED** that Defendants’ Motion to Dismiss the Second Amended Complaint for Lack of Personal Jurisdiction or Improper Venue, Fed. R. Civ. P. 12(b)(2) & (b)(3), or, in the Alternative, to Transfer Venue Pursuant to 28 U.S.C. § 1404(a) (Dkt. No. 66) is hereby **WITHDRAWN**.

It is further **ORDERED** that Defendants’ first Motion to Dismiss for Lack of Personal Jurisdiction or Improper Venue, Fed. R. Civ. P. 12(b)(2) & (b)(3), or in the Alternative, to Transfer Venue Pursuant to 28 U.S.C. § 1404(a) (Dkt. No. 21) is **DENIED AS MOOT**. After

Defendants filed this motion to dismiss Plaintiff's original complaint, Plaintiff amended its complaint twice in accordance with the Court's Docket Control Order. An amended complaint supersedes the original complaint and renders the original complaint as having no legal effect. *Boelens v. Redman Homes, Inc.*, 759 F.2d 504, 508 (5th Cir. 1985).

It is further **ORDERED** that the Court deems Defendants' Motion to Dismiss for Lack of Personal Jurisdiction or Improper Venue, Fed. R. Civ. P. 12(b)(2) & (b)(3), or, in the Alternative, to Transfer Venue Pursuant to 28 U.S.C. §1404(a) (Dkt. No. 52) as filed in response to Plaintiff's Second Amended Complaint (Dkt. No. 61) and further allows the briefing schedule as follows:

- Defendants' reply in support of their motion to dismiss or, in the alternative, to transfer venue made against Plaintiff's Second Amended Complaint will be filed on or before **January 12, 2016**.
- Plaintiff's sur-reply will be filed on or before **January 22, 2016**.

So ORDERED and SIGNED this 7th day of January, 2016.



K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE